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9 UNITED STATES DISTRICT COURT
10 WESTERN DISTRICT OF WASHINGTON
AT TACOMA

11 JAMES OSBORNE,

12 Plaintiff,

13 v.

14 STEVEN JEWITT, et al.,

15 Defendants.
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CASE NO. C10-5431RBL/JRC

ORDER ON PENDING MOTIONS

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18 This 42 U.S.C. § 1983 Civil Rights action has been referred to the undersigned
19 Magistrate Judge pursuant to Title 28 U.S.C. §§ 636(b)(1)(A) and(B) and Local Magistrate
20 Judges' Rules MJR 1, MJR 3, and MJR 4.

21 Five motions are before the court. This order addresses Plaintiff's four motions (Dkt.
22 #20, #21-22, #28, and #29). Defendants' motion to dismiss and stay discovery (Dkt. #23) will be
23 addressed in a subsequent order, after briefing has been completed as set forth below.

24 1 Plaintiff has filed a motion to stay the case (Dkt. # 20). Plaintiff argues that he
25 has not had access to a contract lawyer for the facility, which as he admits, is
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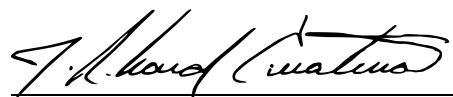
1 representing the interests of the defendants. (Dkt. #20, page 3.) Plaintiff has
2 failed to present good cause for a stay. That motion is DENIED.

- 3 2. Plaintiff also files a motion asking the court to enter medical records as evidence
4 (Dkt. # 21 and #22). This is not the proper manner in which to enter evidence.
5 The records must be attached to a motion or response to a motion. Neither the
6 court, nor opposing counsel, can determine if the records are admissible unless
7 they are submitted in accordance with the Fed. R. of Civ. P. and the Fed. R. of
8 Evid. The motion is DENIED WITHOUT PREJUDICE.

- 9 3. Plaintiff's next motion is a second motion for appointment of counsel (Dkt. # 28).
10 The motion is DENIED for the same reasons as set forth in its previous order on
11 this issue. (Dkt. # 27).

- 12 4. Defendants have filed a motion to dismiss and stay discovery (Dkt. #23).
13 Plaintiff's final motion is a request for a six-month extension of time to respond to
14 these motions (Dkt. # 29). After filing that motion, on October 13, 2010, plaintiff
15 filed a response to defendant's motions. Plaintiff has not demonstrated good
16 cause for such an additional extension. Therefore, a further extension of time is
17 not in order. The motion is GRANTED only as to the response already on file
18 and in all other respects is DENIED. Given that the response was late, defendants
19 will have until November 5, 2010 to file a reply. The motion to dismiss and stay
20 discovery, (Dkt. # 23), is re-set for November 5, 2010.

21 DATED this 25th day of October, 2010.

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J. Richard Creatura
United States Magistrate Judge